

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

WSOU INVESTMENTS, LLC d/b/a BRAZOS  
LICENSING AND DEVELOPMENT,

Plaintiff,

v.

DELL TECHNOLOGIES INC., DELL INC.,  
AND EMC CORPORATION,

Defendants.

Case No. 6:20-cv-00473-ADA

**DECLARATION OF BRIAN A. ROSENTHAL IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

I, Brian A. Rosenthal, declare as follows:

1. I am an attorney permitted to practice law before this Court *pro hac vice* and am licensed to practice law in New York and the District of Columbia. I am a partner with the law firm of Gibson, Dunn & Crutcher LLP and counsel of record for Defendants Dell Technologies Inc., Dell Inc. and EMC Corporation in the above-captioned action. I have personal knowledge and/or am directly informed of the matters stated below and, if called, would testify to them under oath.

2. Attached here as **Exhibit A** is a true and correct copy of the applicant's July 17, 2014 arguments/remarks made in an argument, from the file history of U.S. Patent No. 9,137,144 filed on September 28, 2012. This was retrieved from the United States Patent Office's website (<https://portal.uspto.gov/pair/PublicPair>) on October 3, 2020.

3. I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 5, 2020

/s/ Brian A. Rosenthal\_\_\_\_\_  
Brian A. Rosenthal